

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:09 CR 254-02
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
RAOUF SBIH,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On July 1, 2009, the government filed a five-count Superseding Indictment, charging Defendant, Raouf Sbih with Conspiracy, Receipt and Distribution of Counterfeit and Stolen Consumer Goods in violation of Title 18 United States Code, Section 371; and Counterfeiting/Forgery in violation of Title 18 United States Code, Section 2320(a); and Transportation of Stolen Goods in violation of Title 18 United States Code, Section 2314. Defendant Sbih was arraigned on August 12, 2009, and entered a plea of not guilty to counts 1s, 2s, 4s-6s before Magistrate Judge James S. Gallas. On October 14, 2009, Magistrate Judge

Kenneth S. McHargh, received Defendant Sbih's plea of guilty to count 1s, 2s, 4s-6s of the Superseding Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Sbih is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Sbih is adjudged guilty to Counts 1s, 2s, 4s-6s, of the Superseding Indictment, in violation of Title 18 United States Code, Section 371, 2320(a) and 2314. This matter is referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on January 5, 2010, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

December 19, 2009